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To: **Mail Stop Appeal Brief- Patents**
        Examiner Fadey S. Jabr, GAU: 3628
Fax No.: (571) 273-8300
From: Martin F. Noonan
Date: July 6, 2007
Subject: Serial No.: 10/064,264
Pages: 4 (including this cover)

Re: U.S. Patent Application Serial No.: 10/064,264
Confirmation No.: 1239
Our Docket # F-506

Enclosed please find Appellant's Reply Brief To Examiner's Answer in furtherance of the Notice of Appeal filed on November 16, 2006 and Appellant's Brief filed on January 16, 2007.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following correspondence is being transmitted **via facsimile** to:

U.S. Patent and Trademark Office
Attention: Examiner Fadey S. Jabr, GAU: 36328
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1. Appellant's Reply Brief on Appeal (3 pages)

on July 6, 2007
Date of Transmission

Signature

Martin F. Noonan
Name of Registered Rep.
Reg. No.: 42,939

July 6, 2007
Date

(10089783.1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	) Date: July 6, 2007
Jason A. Gordon	) Attorney Docket No.: F-506
Serial No.: 10/064,264	) Customer No.: 00919
Filed: June 26, 2002	) Group Art Unit: 3628
Confirmation No.: 1239	) Examiner: Fadey S. Jabr

Title: **SYSTEM AND METHOD FOR OPTIMIZING POSTAL RATES AND
DISCOUNTS**

Mail Stop Appeal Briefs - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY BRIEF TO EXAMINER'S ANSWER

Sir:

The Appellant respectfully submits this reply brief pursuant to 37
C.F.R. § 41.41 in reply to the Examiner's Answer filed on May 7, 2007 in the
appeal of the subject application. The Notice of Appeal was filed on November
16, 2006, and the Appellant's Brief was filed on January 16, 2007. The
Commissioner is hereby authorized to charge any additional fees that may be
required for this appeal or to make this brief timely or credit any overpayment to
Deposit Account No. **16-1885.**

(00696642)

Appellant's Reply Brief to Examiner's Answer
Serial No. 10/064,264
Attorney Docket F-506

I. Section 10, Response to Argument – Fourth Issue

On page 15, first paragraph, the Examiner's Answer states that Barns-Slavin '950 discloses a system that (i) determines whether a group of parcels meets predetermined requirements for a discount; (ii) obtains data (i.e. usage data) on the amount of parcels being shipped; and (iii) if the predetermined requirements are met, applies the discount to the group of parcels. The Examiner's Answer then contends that the system of Barns-Slain '950 redetermines whether the discount is still valid if the usage data is modified (i.e. whether the predetermined requirements are still met by the new usage data). Nevertheless, Barns-Slavin does not teach, disclose or suggest "obtaining incentive related usage data and analyzing the incentive related usage data to determine the effectivity, determining whether to modify the incentive" as is recited in Claim 16.

The Examiner's Answer is apparently confusing redetermining whether a discount is still valid based on modifications to the usage data (i.e. number of pieces, cumulative total dollar amount) with (i) analyzing the incentive usage data to determine the effectivity of the incentive (i.e. the group discount); and (ii) determining whether that incentive should be modified (i.e. increasing or decreasing the amount of the group discount). These are not the same. In Barns-Slavin '950, the group discount remains unmodified even if the group incentive is ineffective or never used. In the present invention, however, the incentive may be modified based on the effectivity of that incentive. Therefore, Barns-Slavin '950 does not teach, disclose or suggest "analyzing the incentive related usage data to determine effectivity" of the incentive and "determining whether to modify the incentive" based on that effectivity.

II. Section 10, Response to Argument – Third Issue

On page 14, first paragraph, the Examiner's Answer states that Barns-Slavin '950 discloses several memory portions for determining whether the parcel qualifies for a discount. Barns-Slavin '950 does not teach, disclose or

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suggest using memory portions "for storing a primary rate database" and "for concurrently storing temporary rate data," as is recited in Claim 1. Barns-Slavin only discloses that the entire memory that stores the rate data and the predetermined requirements can be updated from time to time. There is no teaching, disclosure or suggestion that separate and distinct portions of the memory for storing rate data in Barns-Slavin '950 can be updated at different time to create a primary and a temporary rate database. As such, Barns-Slavin '950 does not teach, disclose or suggest using memories portions to store a primary rate database concurrently with a temporary rate database.
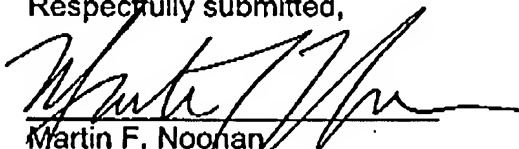
III.   Remaining Issues

Appellants' Brief on Appeal addresses the remaining issues contained within the Examiner's Answer.

IV.   Conclusion

In conclusion, at least for the reasons stated above and those provided in Appellant's Brief on Appeal, Appellant respectfully maintains that the final rejection of claims 1-13 and 16-20 is in error and should, therefore, be reversed.

Respectfully submitted,

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